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12 *Attorneys for Plaintiffs*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 LAS VEGAS POLICE PROTECTIVE ASSOCIATION  
16 METRO INC.; LAS VEGAS METRO POLICE  
17 MANAGERS & SUPERVISORS ASSOCIATION,

18 Plaintiffs,

19 vs.

20 LAS VEGAS METROPOLITAN POLICE  
21 DEPARTMENT;

22 Defendant.

**CASE NO. 2:15-CV-01928-LDG-CWH**

**SUPPLEMENTAL DECLARATION  
OF JOHN FAULIS IN SUPPORT OF  
MOTION FOR PRELIMINARY  
INJUNCTION**

23 I, JOHN FAULIS, declare:

- 24 1. I am the Chairman of Plaintiff Police Managers & Supervisors Association ("PMSA"). I  
25 have read Mr. Crosby's brief speculating that the police associations could do just fine  
26 letting me and the other current representatives go and replacing us with cheaper help,  
27 perhaps retirees or outside lawyers. The problem with these speculations is that they do  
28 not correspond to the real world: my fellow representatives and I are up to speed on a  
rapidly-changing department and its new ways of providing policing services to the  
community. Someone who retired a few years ago would be lost in this new environment,

1 and have to spend many months getting up to speed. Moreover, I do not believe there are  
2 any Metro retirees with any association experience who would be interested in our jobs if  
3 these jobs paid significantly less than what my coworkers and I make. Metro retirees still  
4 interested in active work can (and do) go to departments in other states and still receive  
5 their Nevada PERS pensions while working in positions which are better paid and less  
6 stressful than being an association representative. We are constantly called into Internal  
7 Affairs investigatory meetings where the employees under investigation and the  
8 witnesses each are entitled to two representatives, and more often than not unwilling to  
9 waive such right. These sessions occur on average several times per week. The  
10 associations' regular attorneys Mr. Roger and Mr. Roberts cannot be everywhere at once,  
11 so expecting them to cover all the internal affairs meetings themselves is absurd.

- 12 2. Nor could our associations save money by hiring outsiders instead of reimbursing the  
13 Department for our pay. Our regular attorney works part-time for personal reasons and in  
14 exchange for part time-hours, has agreed to a reduced rate which saves us significantly on  
15 legal and employee costs. We would have to pay him market hourly rates to give up part-  
16 time status; rates which from talking with various lawyers I understand to be over \$200  
17 per hour even for new associates. My coworkers and I receive much less than \$200 an  
18 hour. I know of no lawyers or other outsiders in Southern Nevada with experience and  
19 interest in police officer representation other than current counsel for our associations.  
20 Our outside litigation counsel's firm charges \$250 an hour. Hiring instead as staff  
21 someone just out of law school or another type of union with likely no experience in  
22 police work would severely degrade the quality of the representation being received by  
23 our association's members. While the two associations' outside lawyers are allowed onto  
24 crime scenes, that is only because they have an escort from among current Department  
25 employees, namely the on-leave association representatives. If those representatives were  
26 eliminated, outside lawyers would not be allowed on scene under current and foreseeable  
27 security policy in the Department. This would hurt the quality of the representation  
28 provided by the associations.

- 1 3. While the details of day-to-day health benefit administration are handled by trust  
2 administrative staff, we association representatives serve as trustees and as such are  
3 required to attend meetings to review and revise trust policies and disputed claims.  
4 Reviewing the materials presented us to prepare for these meetings and attending the  
5 meetings consumes an average of several hours per week for each of us. Because the  
6 healthcare benefits field is changing so rapidly, we also have to spend time attending  
7 educational conferences about this field. Through this role we representatives have made  
8 significant contributions to improving and maintaining the quality of the care received by  
9 the Department's commissioned officers.
- 10 4. Our advocacy work is not only the above-described work, but also includes lobbying for  
11 and against local and state legislation, and urging support or defeat of political candidates  
12 (for example, our association along with the PPA actively supported Mr. Lombardo's  
13 opponent in the Sheriff's election). We head into bargaining early next year, and  
14 obviously this SB 241 issue will severely taint bargaining if not resolved by a court  
15 decision before then. For example, we would have to submit two sets of proposals, one  
16 assuming the law is valid (in which major raises are demanded in order to finance a major  
17 dues increase along with perhaps restructuring of Metro's operations so it takes over  
18 some functions which our association now provides) and another very different and less  
19 disruptive proposal assuming SB241 is invalid. I am certain the parties will disagree at  
20 length over whether our unit already paid in the past for its leave (we contend we must  
21 have done so because there is documentary proof that Metro did exactly this with the  
22 Civilian Employees' 4<sup>th</sup> position and there is no reason Metro would have treated our  
23 associations better and let us have something for nothing), while the Sheriff contends past  
24 consideration does not count. Our bargaining disputes can only be resolved via binding  
25 arbitration (strikes being banned), but we cannot imagine how an arbitrator would deal  
26 with a situation where there has been no ruling on SB 241 (issue two different orders in  
27 the alternative?).
- 28 5. If a preliminary injunction is in effect for several months into a new contract, but is later

1 found erroneous, we do have significant reserves and assets that would make it possible  
2 for us to repay Metro for our salaries and benefits for that time period, even though our  
3 association's financial reserves are below the level recommended by police association  
4 experts at conferences to deal with crises in bargaining or major litigation or disaster  
5 situations.

6 I declare under penalty of perjury of the laws of the United States and Nevada that the foregoing  
7 is true and correct. Executed this 18<sup>th</sup> day of November 2015.

8  
9 JOHN FAULIS  
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**CERTIFICATE OF SERVICE**

The certify that on November 19, 2015, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal and a Notice of Electronic Filing was electronically transmitted from the court to the e-mail address on file.

/s/ Joyce Archain